

WILMER CUTLER PICKERING
HALE AND DORR LLP

FAX

Fax / Phone:

To: U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

(703) 746-9195

FROM:

Rochelle Capobianco
617-526-6003

Re: Application No. 10/749,122
Atty Docket: 286336.153/NOR-014CP4

Date: January 11, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 at facsimile number: (703) 746-9195 on January 11, 2005.

Signature

Rochelle Capobianco

Typed or printed name of person signing Certificate

DocumentNo. Pages

Reply to Response to Request for Corrected Filing Receipt
and Request for Corrected Filing Receipt

9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket Nos. NOR-014CP4 and 286336.153)

In re Application of: Boyd) Examiner: Lieto
Serial No: 10/749,122) Art Unit: 1632
Filed: December 30, 2003)

For: DISEASE PREVENTION BY REACTIVATION OF THE THYMUS

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: 703-746-9195, Mail Stop Corrected Filing Receipt, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on the date indicated below.

1/11/05
Date

Rochelle Capobianco
Printed Name

Rochelle Capobianco
Signature

Mail Stop Corrected Filing Receipt
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT and
REQUEST FOR CORRECTED FILING RECEIPT

Sir:

In reply to the Response to Request for Corrected Filing Receipt ("Response") with "Corrected Filing Receipt" mailed on November 17, 2004 in the above-referenced application (copy attached), Applicant respectfully submits that the Response was mailed in error. None of the application's priority claims are based on applications with filing dates after that of the present application. The present application was filed on December 30, 2003 and the priority claims begin with the date of December 5, 2003.

Applicant believes that the PTO may be mistaking the priority claim to Application No. 10/399,213 as invalid. Application No. 10/399,213 is a U.S. national phase application with an International Filing Date of October 15, 2001, a U.S. national entry date of April 14, 2003 and a 371(c) date of February 13, 2004. While the PTO may acknowledge the 371(c) date as the "official filing date" for U.S. national phase applications, Applicant respectfully submits that Application No. 10/399,213 was technically filed on April 14, 2003, which is prior to the filing of the present application.

Applicant respectfully requests that the following corrections be made to the Official Filing Receipt (as requested in the November 2, 2004 Second Request for Corrected Filing Receipt and Reply to Response to Request for Corrected Filing Receipt).

Please amend the "Domestic Priority" section to read as follows:

This application is a CIP of 10/399,213 04/14/2003

which is a 371 of PCT/AU01/01291 10/15/2001

which claims benefit from AU PR0745 10/13/2000

This application 10/749,122

claims benefit of 60/527,001 12/05/2003

This application 10/749,122

is a CIP of 10/418,727 04/18/2003

which is a CIP of 09/976,598 10/12/2001 ABN

which is a CIP of 09/965,395 09/26/2001 ABN

which is a CIP of 09/755,965 01/05/2001 ABN

and is a CIP of 09/755,983 01/05/2001 ABN

and is a CIP of 09/755,646 01/05/2001 ABN

and is a CIP of 09/758,910 01/10/2001 ABN

said 09/755,965

is a CIP of 09/795,286 10/13/2000 ABN

which is a CIP of AU PR0745 10/13/2000

and said 09/795,286

is a CIP of PCT/AU00/00329 04/17/2000

which claims benefit of AU PP9778 04/15/1999

said 09/755,965

is also a CIP of 09/795,302 10/13/2000 ABN

which is a CIP of PCT/AU00/00329 04/17/2000

which claims benefit of AU PP9778 04/15/1999

said 09/755,983

is a CIP of 09/795,286 10/13/2000 ABN

which is a CIP of AU PR0745 10/13/2000

and is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999
said 09/755,983
is also a CIP of 09/795,302 10/13/2000 ABN
which is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999
said 09/755,646
is a CIP of 09/795,286 10/13/2000 ABN
which is a CIP of AU PR0745 10/13/2000
and said 09/795,286
is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999
said 09/755,646
is also a CIP of 09/795,302 10/13/2000 ABN
which is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999
said 09/758,910
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and said 09/795,286
is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999
said 09/758,910
is also a CIP of 09/795,302 10/13/2000 ABN
which is a CIP of PCT/AU00/00329 04/17/2000
which claims benefit of AU PP9778 04/15/1999

Please amend the "Foreign Applications" section to read as follows:

AUSTRALIA PP9778 04/15/1999

AUSTRALIA PR0745 10/13/2000


AUSTRALIA PCT/AU00/00329 04/17/2000

AUSTRALIA PCT/AU01/01291 10/15/2001

No fees are believed to be due in connection with this communication. However, please charge any fees are due and/or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Date: 1/11/05
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Boston, MA 02109
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(617) 526-5000 (Facsimile)


Ann-Louise Kerner, Ph.D.
Reg. No. 33,523
Attorney/Agent for Applicant



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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | OT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|---------------------------|----------|---------|----------|
| 10/749,122 | 12/30/2003 | 1645 | 738 | NOR-014CP4 and 286336-153 | 49 | | 3 |

23483

WILMER CUTLER PICKERING HALE AND DORR LLP
 60 STATE STREET
 BOSTON, MA 02109

NOV 19 2004
 CONFIRMATION NO. 3280
 CORRECTED FILING RECEIPT



Date Mailed: 11/17/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Richard L. Boyd, Hampton, AUSTRALIA;

Assignment For Published Patent Application

Monash University

Power of Attorney: The patent practitioners associated with Customer Number 23483.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/399,213 02/13/2004
 which is a 371 of PCT/AU01/01291 10/15/2001
 This application 10/749,122
 claims benefit of 60/527,001 12/05/2003
 and is a CIP of 10/418,727 04/18/2003
 which is a CIP of 09/976,598 10/12/2001 ABN
 which is a CIP of 09/965,395 09/26/2001 ABN
 which is a CIP of 09/755,965 01/05/2001 ABN
 and is a CIP of 09/755,983 01/05/2001 ABN
 and is a CIP of 09/755,646 01/05/2001 ABN
 and is a CIP of 09/758,910 01/10/2001 ABN
 and said 09/755,983 01/05/2001
 is a CIP of 09/795,286 10/13/2000 ABN
 and is a CIP of 09/795,302 10/13/2000 ABN
 and said 09/755,965 01/05/2001
 is a CIP of 09/795,286 10/13/2000 ABN
 and is a CIP of 09/795,302 10/13/2000 ABN
 and said 09/755,646 01/05/2001

WILMER CUTLER PICKERING
 HALE and DORR LLP DOCKETING
 RE: 286336 153254
 Action Date: _____
 Action to be Taken: _____
 Docketed By: JMB On: 11.19.04

is a CIP of 09/795,286 10/13/2000 ABN
and is a CIP of 09/795,302 10/13/2000 ABN
and said 09/758,910 01/10/2001
is a CIP of 09/795,286 10/13/2000 ABN
and is a CIP of 09/795,302 10/13/2000 ABN
which is a CIP of PCT/AU00/00329 04/17/2000
and said 09/795,286 10/13/2000
is a CIP of PCT/AU00/00329 04/17/2000

Foreign Applications

AUSTRALIA PP9778 04/15/1999
AUSTRALIA PR0745 10/13/2000
AUSTRALIA PCT/AU00/00329 04/17/2000
AUSTRALIA PCT/AU01/01291 04/18/2002

If Required, Foreign Filing License Granted: 04/29/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/749,122

Projected Publication Date: 12/23/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Disease prevention by reactivation of the thymus

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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| APPLICATION NUMBER | FILING OR 371(c) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------------|
| 10/749,122 | 12/30/2003 | Richard L. Boyd | NOR-014CP4 and 286336.153 |

23483
WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

CONFIRMATION NO. 3280



Date Mailed: 11/17/2004


RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☒ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

BEST AVAILABLE COPY